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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,246	01/09/2002	Masahiro Sasagawa	0649-0817P	1963

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EXAMINER

ASINOVSKY, OLGA

ART UNIT PAPER NUMBER

1711

DATE MAILED: 09/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/030,246	SASAGAWA ET AL.	
	Examiner	Art Unit	
	Olga Asinovsky	1711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5 is/are allowed.
- 6) ☒ Claim(s) 6-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Allowable Subject Matter

1. The following is a statement of reasons for the indication of allowable subject matter:

Applicants amend claim 1 by inserting the total hydrogenation ratio H% of the unsaturated double bond based on the conjugated diene compound satisfies the following ratio of $55 \leq H < 80$.

1. The reference of record to EP 299 499 disclose "not lower than 5% and lower than 50%, page 4, line 50. EP'499 does not disclose the hydrogenation level of the unsaturated double bond based on the conjugated diene compound limited in the amended claim 1.

2. Claims 1-5 are deemed to contain allowable subject matter.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0 299 499.

The rejection is set forth at pages 2-5 of the office action mailed on 03/25/03 and is incorporated here by reference.

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5. Applicant's arguments filed July 25, 2003 have been fully considered but they are not persuasive.

6. Independent claim 6 discloses a hydrogenated block copolymer (1) comprising a vinyl aromatic hydrocarbon and at least one polymer block comprising a conjugated diene compound, and having a vinyl bonding amount V % based on the conjugated diene compound of from not less than 30% to less than 70%, wherein (a) the total hydrogenation ratio H% of the unsaturated double bond based on the conjugated diene compound is $30 \leq H < 80$, and wherein (b) the hydrogenation ratio of the vinyl bond is 82% or more, and (2) 20 to 400 parts by weight of an adhesion-imparting agent.

7. EP'499 discloses a hydrogenated block copolymer comprising of a polymer block A composed mainly of a vinyl aromatic compounds and at least one polymer block B composed mainly of a conjugated diene, having a content of vinyl linkage V originated from the conjugated diene compound being 10 to 80%, page 5, line 9, that is readable in the present claim 6. The hydrogenated ratio of the total of aliphatic double bond portions which originated from the conjugated diene compound is not lower than 5% and lower than 50%, page 5, lines 20-22, that is readable in the present claim 6. The hydrogenated ratio [B] of the vinyl linkage is not higher than 100%, page 5, line 43, for the present claim 6. Tackifier resins can be present in the amount of from 99 to 1 parts, page 4, line 54, for an adhesion-imparting agent (2) in the present claim 6. A vinyl aromatic compound can be present in the amount of 5 to 95 wt.%, page 5, line 47, for the present claim 7. The hydrogenated block copolymer has a number average molecular weight of 5,000 to more preferably 30,000, page 7, lines 20-22, for the

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present claim 7. EP'499 discloses a hydrogenated block copolymer having the applicants' claimed components, wherein the contents of said components are broader than in the present claims. EP'429 discloses adhesive compositions where the tackifiers and softeners can be present. In the working examples 4 and 5 (pages 21-22) reference discloses the specific hydrogenated block copolymer having excellent adhesive strength and creep resistance, page 2, lines 11-14.

8. The difference is that the present claim 6 discloses the hydrogenation ratio $H\%$ of unsaturated double bond based on the conjugated diene compound of between $30 \leq H < 80$, whereas EP'499 discloses 5 to 50 wt.%.

9. It would have been obvious to one of ordinary skill in the art to use a hydrogenated block copolymer in EP'499 wherein the total hydrogenation ratio of the total aliphatic double bond originated from the conjugated diene compound can be selected from the range of 30 to 50 %, and, thereby, obtain the claimed requirement, since the hydrogenation degree of said conjugated diene compound is controlled by the desired elasticity and adhesive properties of the obtained hydrogenated block copolymer.

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olga Asinovsky whose telephone number is 703-308-0041. The examiner can normally be reached on 9:00 to 5:30 pm.

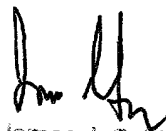
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 703-308-2462. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

O.A.

O.A.
August 29, 2003

Olga Asinovsky
Examiner
Art Unit 1711



James J. Seidleck
Supervisory Patent Examiner
Technology Center 1700

